

## REMARKS/ARGUMENTS

### 1.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has maintained the rejection of claims 1-3 and 7-8 as being unpatentable over Luo (U.S. Patent Publication No. 2003/0169713 A1) in view of Fascenda (US Patent Publication No. 2004/00073672 A1); claims 4 and 5 as being unpatentable over Luo in view of Fascenda and Jeong, *et al* (Jeong) (U.S. Patent Publication No. 2006/0092888 A1); and claim 6 as being unpatentable over Luo in view of Fascenda and Prasad, *et al.* (U.S. Patent No. 7,197,125 B1). The Applicant, again, traverses the rejections.

Claim 1 recites:

1. A network comprising at least one access point (AP) and one access controlling node, the access points making use of the Inter-Access Point Protocol (IAPP) for communication, wherein at least one mobile station may associate with the access points, wherein the identity of the mobile station can be approved by the access controlling node, wherein:

the access controlling node monitors whether a given mobile station has access to any of a given subset of access points and monitors an account relating to the given mobile station associated with a given access point of the subset of access points; and,

if detecting that the account relating to the given mobile station has a balance of zero,

the at least one access-controlling node issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station. (emphasis added)

As the Applicant has previously explained, the invention is characterized, in part, by the use of IAPP protocol, WHICH ARE CONVENTIONALLY USED FOR HANDOVER PURPOSES, for access control. There is no teaching, motivation or suggestion in either Luo or Fascenda to modify the existing IAPP protocol to extend its use for the purpose of terminating an association of a mobile station with an access point in response to a determination that an account relating to the given mobile station has a balance of zero.

In response to Applicant's arguments, the Examiner states that "Luo discusses the MAP using IAPP signaling to send messages." Yes, Luo discusses sending IAPP messages; as with all protocols, some messages are required to be sent. Luo does not, however, teach an access-controlling node that "issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station." Luo fails to teach the extension of the IAPP protocol for the purposes of the Applicant's invention; *i.e.*, terminating access for a mobile station. According to the claimed invention, access is terminated when it is detected, by an access controlling node that monitors whether a given mobile station has access to any of a given subset of access points and monitors an account relating to the given mobile station associated with a given access point of the subset of access points, whether an account relating to the given mobile station has a balance of zero.

The Examiner points to Fascenda as teaching "sending a message instructing an access point to deny access to a mobile station when the mobile station's balance has been met or is exhausted." Fascenda, however, does not disclose, much less suggest, using IAPP messages in the manner claimed. The access controlling mechanism disclosed by Fascenda relies on the storing of a secure token stored in a user device; access is granted (or denied) based on the contents of that secure token. (Paragraph [0015]) In contrast, the Applicant's invention is characterized by an access-controlling node that monitors an account associated with a mobile station and, if the account reaches a balance of zero, issues an IAPP message to cause the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access.

It is insufficient to establish a *prima facie* case of obviousness by pointing to the general ideas or principles of a claimed invention in one or more prior art references. To do so would allow the rejection of any new method for solving a problem by merely pointing to a reference that discloses the problem and a method for solving it, no matter how inferior the earlier method to the newly disclosed method. Rather, the proper test is whether one of ordinary skill in the art, when presented with a problem, would arrive at

the claimed solution merely by reviewing the cited prior art references. In the present case, Luo fails to teach or suggest any extension or adaptation of the IAPP protocol for the purpose of terminating access upon detecting that the account relating to the given mobile station has a balance of zero. Fascenda fails to cure that deficiency. Although Fascenda relates to controlling access, the solution disclosed therein relies on a secure token stored in a mobile station; the access point makes a decision "based on the parameters stored in the token without having to further check with a network-based or remote server." (Paragraph [0015]) In contrast, the Applicant's solution relies on an access controlling node (separate from the access point) that monitors whether a given mobile station has access to any of a given subset of access points and monitors an account relating to the given mobile station associated with a given access point of the subset of access points; it is the access controlling node (not an access point) that makes a decision and issues at least one IAPP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station.

Finally, the Examiner, in responding to Applicant's prior arguments, asserts that "the suggestion to combine the references was shown in the background of the secondary reference." The Examiner, however, doesn't state what in the background provides such alleged suggestion. The Applicant has reviewed the background of Fascenda, as well as performed an electronic search of the entire reference, and did not find even a passing mention of the IAPP protocol. In what fashion, then, would that reference motivate one of ordinary skill in the art to modify the IAPP protocol for the purposes of the claimed invention? The IAPP protocol is conventionally used for handover purposes, not access control. Thus, the Examiner's picking and choosing from the prior art the various technical terms and general functions embodied in Applicant's claims is improper, and a *prima facie* case of obviousness has not been established.

For the foregoing reasons, claim 1 is not obvious over Luo in view of Fascenda. Whereas independent claims 7 and 8 recite limitations analogous to those of claim 1, they are also not obvious over Luo in view of Philsgard and Jiang. Furthermore,

whereas claims 2-6 are dependent from claim 1, and include the limitations thereof, they are also not obvious over those references, or further in view of Funato, Sanda or Prasad.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-8.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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